

REMARKS/ARGUMENTS

The Examiner has objected to the drawings on the ground that they omit elements 165, 166, and 167a-n. Applicant has amended the Specification to remove the call out numbers for these elements. These elements are not referenced in the claims and are therefore not required to be shown in the drawings.

The Examiner has rejected claim 52 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which applicant regards as the invention.

Claim 52 has been amended to overcome this rejection.

Applicant wishes to clarify the intended meaning of certain claim language in light of the Federal Circuit decision "SuperGuide Corporation v. DirecTV Enterprises, Inc., et al., 358 F.3d 870 (Fed. Cir. 2004). In that decision, the Federal Circuit held, under the unique facts of that case, that the phrase "at least one of a desired program start time, a desired program end time, a desired program service, and a desired program type" means "at least one of a desired program start time, at least one of a desired program end time, at least one of a desired program service, and at least one of a desired program type".

Applicant has used the phrases "at least one of . . . and" and "and/or" in a number of claims and wishes to clarify to the Examiner the proper construction of these phrases. Applicant intended the phrases "at least one . . . and" and "and/or" as used in the claims to be an open-ended expression that is both conjunctive and disjunctive in operation. For example, the expressions "at least one of A, B and C" and "A, B, and/or C" mean A alone, B alone, C alone, A and B together, A and C together, B and C together, and A, B and C together. Applicant believes that this construction is consistent with the Examiner's construction of the claims in the Office Action. If the Examiner disagrees with this construction, Applicant respectfully requests that the Examiner notify Applicant accordingly.

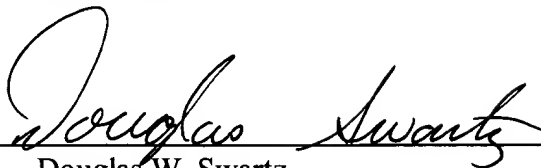
Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation

*Application No. 09/596,826
Reply to Office Action of Jan. 11, 2005
Amendment dated Mar. 9, 2005*

would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Douglas W. Swartz
Registration No. 37,739
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: March 9, 2005